



PATENT  
Attorney Docket No.: PHAN-00100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James Hobart et al.

Serial No.: 09/018,104

Filed: February 3, 1998

For: **DUAL MODE LASER DELIVERY  
SYSTEM PROVIDING  
CONTROLLABLE DEPTH OF  
TISSUE ABLATION AND  
CORRESPONDING CONTROLLABLE  
DEPTH OF COAGULATION**

) Group Art Unit:

) Examiner:

) **RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION**

) 260 Sheridan Avenue, Suite 420  
) Palo Alto, California 94306  
) (650) 833-0160

**Box Missing Part**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted (Form PTO-1533) mailed March 18, 1998 (a copy of which is enclosed), applicant submits the executed Declaration and Small Entity Declaration for filing with the U.S. Patent and Trademark Office. A check in the amount of \$120.00 is enclosed herewith to cover the \$65.00 surcharge for filing missing parts of an application and the \$55.00 fee for filing with a one month extension of time.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: June 15, 1998

By:

Jonathan O. Owens

Reg. No.: 37,902

Attorneys for Applicants

**CERTIFICATE OF MAILING (37 CFR § 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231

HAVERSTOCK & OWENS LLP

Dated: June 15, 1998

By: Jonathan O. Owens



SECTOR #  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER 02/018,394	FILING/RECEIPT DATE 02/03/98	FIRST NAMED APPLICANT HOBART	ATTORNEY DOCKET NO./TITLE J PHAN-00100
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0222/0318

THOMAS B HAVERSTOCK  
HAVERSTOCK & OWENS  
260 SHERIDAN AVENUE  
SUITE 420  
PALO ALTO CA 94306

NOT ASSIGNED

3309

UFMP

DATE MAILED:

03/18/98

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 130.

☒ 1. The statutory basic filing fee is:

- ☐ missing.
- ☒ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

Adjustment date: 06/25/1998

independent claims over 3.

02/26/1998 Initial Fee 00000127 06135

dependent claims over 20.

01 FC:102

02 FC:102

03 FC:103

\$ 300.00 for dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

06/25/1998

02 FC:201

03 FC:202

04 FC:203

05 FC:205

The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☒ 8. The application does not comply with the Sequence Rules.  
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202